JOURNAL OF THE SENATE

EIGHTY-SEVENTH SESSION

EIGHTEENTH DAY

STATE OF SOUTH DAKOTA Senate Chamber, Pierre Thursday, February 9, 2012

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Emily Ketteler.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the seventeenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted, Bob Gray, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

1

2 MR. PRESIDENT:
The Committee on Appropriations respectfully reports that it has had under consideration SB 84, 90, 192, and 194 and returns the same with the recommendation that said bills do pass
5 Also MR. PRESIDENT:
The Committee on Appropriations respectfully reports that it has had under consideration SB 37 and returns the same with the recommendation that said bill be amended as follows:
8 37ta
9 On page 1, line 5, of the printed bill, delete "soil and water" and insert "natural resources"
10 37tta
On page 1, line 1, of the printed bill, delete everything after "coordinated" and inser "natural resources".
On page 1, line 2, delete "water".
14 And that as so amended said bill do pass.
15 Also MR. PRESIDENT:
The Committee on Appropriations respectfully reports that it has had under consideration SB 92 which was tabled.
18 Also MR. PRESIDENT:
The Committee on Appropriations respectfully reports that it has had under consideration SB 151 which was deferred to the 41 st Legislative Day.
Respectfully submitted Corey Brown, Chair

1	Also MR. PRESIDENT:
2 3	The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 155 and returns the same with the recommendation that said bill do pass.
4 5	Respectfully submitted, Eldon Nygaard, Vice-Chair
6	Also MR. PRESIDENT:
7 8 9	The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1020 and returns the same with the recommendation that said bill do pass.
10	Also MR. PRESIDENT:
11 12 13	The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1018 and 1036 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.
14	Also MR. PRESIDENT:
15 16 17	The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 160, which was reconsidered, and returns the same with the recommendation that said bill be amended as follows:
18	160tb
19	On the printed bill, delete everything after the enacting clause and insert:
20	"Section 1. The Legislature may dissolve the James River Water Development District."
21	160tta
22 23	On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise certain provisions relating to the James River Water Development District."
24	On page 1, delete lines 2 to 4, inclusive.
25	And that as so amended said bill do pass.

Also MR. PRESIDENT: 1

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had 3 under consideration the nomination of Curt Mortenson of Stanley County, Ft. Pierre, South 4 Dakota, to the State Brand Board and returns the same with the recommendation that the Senate

5 advise and consent to the confirmation of said reappointment and be placed on the Consent

6 Calendar.

7

21

24

25

26

27

Also MR. PRESIDENT:

8 The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration the nomination of Bart Blum of Lyman County, South Dakota, to the State 9 Brand Board and returns the same with the recommendation that the Senate advise and consent 10 11 to the confirmation of said reappointment and be placed on the Consent Calendar.

12 Respectfully submitted, 13 Shantel Krebs, Chair

14 Also MR. PRESIDENT:

15 The Committee on Commerce and Energy respectfully reports that it has had under 16 consideration SB 108 and 112 and returns the same with the recommendation that said bills do 17 pass.

18 Also MR. PRESIDENT:

19 The Committee on Commerce and Energy respectfully reports that it has had under 20 consideration SB 158 and returns the same with the recommendation that said bill be amended as follows:

22 158ja

23 On page 2, line 2, of the printed bill, after "determined" delete "each quarter".

On page 2, line 3, after "quarter" insert "and remain in effect until the loan expires as provided in this Act. The aggregate balance of all loans or extensions of credit made by a bank pursuant to this section may not exceed one hundred percent of the bank's tier one leverage capital".

28 On page 2, line 10, delete everything after "."

1	On page 2, delete lines 11 and 12.
2	And that as so amended said bill do pass and be placed on the consent calendar.
3	Also MR. PRESIDENT:
4 5	The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 94, 144, 166, and 178 which were deferred to the 41st Legislative Day.
6 7	Respectfully submitted, Tom Nelson, Chair
8	Also MR. PRESIDENT:
9 10	The Committee on Legislative Procedure respectfully reports that SB 63 and 64 were delivered to his Excellency, the Governor, for his approval at 8:45 a.m., February 9, 2012.
11	Also MR. PRESIDENT:
12 13	The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 140 and finds the same correctly enrolled.
14 15	Respectfully submitted, Bob Gray, Chair
16	MESSAGES FROM THE HOUSE
17	MR. PRESIDENT:
18	I have the honor to return herewith SB 2 in which the House has concurred.
19	Also MR. PRESIDENT:
20	I have the honor to return herewith SB 140 which has passed the House without change.
21	Also MR. PRESIDENT:
22 23	I have the honor to transmit herewith HCR 1007 which has been adopted by the House and your concurrence is respectfully requested.

1	Also MR. PRESIDENT:
2 3	I have the honor to transmit herewith HB 1083, 1158, 1163, 1192, and 1245 which have passed the House and your favorable consideration is respectfully requested.
4 5	Respectfully, Karen Gerdes, Chief Clerk
6	MOTIONS AND RESOLUTIONS
7	Sen. Olson moved that SB 177 be placed to follow SB 176 on today's calendar.
8	Which motion prevailed.
9 10	Sen. Olson moved that SB 191 and 196 and HB 1088, 1115, 1202, and 1049 be deferred to Friday, February 10, the 19th legislative day.
11	Which motion prevailed.
12 13	Sen. Olson moved that SB 71, 186, and 49 be deferred to Monday, February 13, the 20 th legislative day.
14	Which motion prevailed.
15 16	SCR 4: A CONCURRENT RESOLUTION, Supporting the concept and further development of South Dakota First, an initiative for success and development.
17	Was read the second time.
18	Sen. Olson moved that SCR 4 as found on page 317 of the Senate Journal be adopted.
19	The question being on Sen. Olson's motion that SCR 4 be adopted.
20	And the roll being called:
21	Yeas 34, Nays 0, Excused 1, Absent 0
22 23 24 25	Yeas: Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;

Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

26

- 1 Excused:
- 2 Rave
- 3 So the motion having received an affirmative vote of a majority of the members-elect, the
- 4 President declared the motion carried and SCR 4 was adopted.
- 5 HCR 1006: A CONCURRENT RESOLUTION, in opposition to certain actions by animal
- 6 rights groups to undermine agricultural producers.
- Was read the second time.
- 8 Sen. Krebs moved that the Senate do concur in HCR 1006 as found on page 334 of the
- 9 House Journal.
- The question being on Sen. Krebs' motion that HCR 1006 be concurred in.
- 11 And the roll being called:
- Yeas 34, Nays 0, Excused 1, Absent 0
- 13 Yeas:
- 14 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
- Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
- Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
- 17 Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle
- 18 Excused:
- 19 Rave
- So the motion having received an affirmative vote of a majority of the members-elect, the
- 21 President declared the motion carried and HCR 1006 was concurred in.
- HCR 1007: A CONCURRENT RESOLUTION, Urging the members of the South Dakota
- 23 Congressional delegation to sponsor and support the Marketplace Fairness Act and the
- 24 Marketplace Equity Act.
- Was read the first time, the President waived the referral to committee, and placed
- 26 HCR 1007 on the calendar of Friday, February 10, the 19th legislative day.
- SCR 5 Introduced by: Senators Olson (Russell), Adelstein, Begalka, Brown, Cutler,
- 28 Fryslie, Haverly, Holien, Hundstad, Hunhoff (Jean), Johnston, Kraus, Lederman, Nelson (Tom),
- 29 Novstrup (Al), Nygaard, Peters, Putnam, Rave, Sutton, Tidemann, Tieszen, and Vehle and
- 30 Representatives Hawley, Abdallah, Blake, Boomgarden, Brunner, Deelstra, Dennert, Elliott,
- 31 Feickert, Gibson, Hansen (Jon), Hickey, Hoffman, Hubbel, Hunhoff (Bernie), Hunt, Iron Cloud
- 32 III, Jones, Kirkeby, Kirschman, Kloucek, Kopp, Liss, Munsterman, Novstrup (David), Olson

1 (Betty), Rausch, Schrempp, Scott, Sigdestad, Solum, Steele, Stricherz, Tornow, Tulson, Van

- 2 Gerpen, Venner, Verchio, Wick, Willadsen, and Wismer
- A CONCURRENT RESOLUTION, Supporting and encouraging a 2012 interim study and thorough review of drainage laws in South Dakota.
- 5 WHEREAS, consecutive years of excessive snowfall and record rainfall in eastern South
- 6 Dakota have caused severe flooding and have resulted in saturation of ground water levels;
- 7 overflowing lakes, rivers, and streams; and inundation of homes, farmland, and local roads; and
- 8 WHEREAS, draining excess water from seasonally and perennially wet areas can markedly
- 9 improve agricultural productivity, and in doing so can significantly improve the general
- 10 economy of the state of South Dakota; and
- WHEREAS, poor management and regulation of drained water can result in damage to a
- wide range of private and public property and public water resources on which all citizens
- 13 depend; and
- 14 WHEREAS, many township and county roads and bridges have been damaged by
- inundation and flooding, as well as by ditching in public highway rights-of-way to facilitate
- drainage of private property; and
- WHEREAS, the State of South Dakota in 1985 adopted SDCL 46A-10A to provide a
- 18 framework by which county commissioners could establish plans and controls to help manage
- 19 and regulate drainage; and
- WHEREAS, a significant number of those counties that opted to adopt drainage plans and
- 21 controls to undertake such regulation have subsequently concluded that the current system is
- 22 unworkable and have abandoned their drainage ordinances; and
- WHEREAS, the East Dakota, Vermillion Basin, Central Plains, South Central, and James
- 24 River Water Development districts, subdivisions of the State of South Dakota, seek to promote
- 25 the sound and sustainable use of water resources within the state of South Dakota to benefit all
- residents, including the management and regulation of drainage activities in a way that fairly
- balances the benefits gained by those engaged in such efforts with the resulting adverse impacts
- 28 to others; and
- 29 WHEREAS, the South Dakota Association of County Commissioners, South Dakota
- 30 Association of Towns and Townships, and the water development districts have adopted
- 31 resolutions in support of efforts to improve management and regulation of drainage; and
- WHEREAS, the water development districts have agreed to provide technical and financial
- 33 support, as is practical and necessary, for successful completion of the requested study for the
- 34 benefit of the residents of the districts and the state of South Dakota:
- NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-seventh Legislature
- of the State of South Dakota, the House of Representatives concurring therein, that the
- 37 Legislature recommends that the Legislative Research Council Executive Board authorize a

- 1 2012 interim study and thorough review of drainage laws by the South Dakota Legislature to
- 2 provide for improved management and regulation of the drainage of surface and subsurface
- 3 water for the benefit of all South Dakotans; and
- BE IT FURTHER RESOLVED, that the interim committee shall report its findings and proposed statutory changes to the Eighty-Eighth Legislature of the State of South Dakota.
- Was read the first time, the President waived the referral to committee, and placed SCR 5 on the calendar of Friday, February 10, the 19th legislative day.

CONSIDERATION OF REPORTS OF COMMITTEES

- 9 Sen. Olson moved that the reports of the Standing Committees on
- Local Government on SB 75 as found on page 308 of the Senate Journal; also
- 11 Transportation on SB 116 as found on page 309 of the Senate Journal; also
- Health and Human Services on SB 125 as found on page 310 of the Senate Journal; also
- State Affairs on SB 174 as found on page 311 of the Senate Journal; also
- State Affairs on SB 175 as found on page 314 of the Senate Journal be adopted.
- Which motion prevailed.

8

16

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

- HB 1083: FOR AN ACT ENTITLED, An Act to to provide for term limits for brand board service.
- Was read the first time and referred to the Committee on Agriculture and Natural Resources.
- 21 HB 1158: FOR AN ACT ENTITLED, An Act to allow students attending nonpublic high schools to be eligible for the jump start scholarship program.
- Was read the first time and referred to the Committee on Appropriations.
- 24 HB 1163: FOR AN ACT ENTITLED, An Act to allow political subdivisions of the state
- 25 to operate as organizations formed under § 58-18-52 for the purchase of health insurance.

1 Was read the first time and referred to the Committee on Local Government.

- 2 HB 1192: FOR AN ACT ENTITLED, An Act to amend certain limited liability company
- 3 language.

8

- 4 Was read the first time and referred to the Committee on Commerce and Energy.
- 5 HB 1245: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
- 6 suspension of a driver license for certain alcoholic beverage violations.
- Was read the first time and referred to the Committee on Judiciary.

SECOND READING OF CONSENT CALENDAR ITEMS

- 9 Sen. Nelson requested that SB 145 be removed from the Consent Calendar.
- HB 1076: FOR AN ACT ENTITLED, An Act to retain certain members of municipal
- governing bodies in office following the redistricting of municipal wards.
- Was read the second time.
- The question being "Shall HB 1076 pass as amended?"
- 14 And the roll being called:
- Yeas 34, Nays 0, Excused 1, Absent 0
- 16 Yeas:
- 17 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
- Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
- 19 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
- 20 Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle
- 21 Excused:
- 22 Rave
- So the bill having received an affirmative vote of a majority of the members-elect, the
- 24 President declared the bill passed and the title was agreed to.
- 25 HB 1001: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
- sales and use tax.

- 1 Was read the second time.
- The question being "Shall HB 1001 pass?"
- 3 And the roll being called:
- 4 Yeas 34, Nays 0, Excused 1, Absent 0
- 5 Yeas:
- 6 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
- Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
- 8 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
- 9 Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle
- 10 Excused:
- 11 Rave
- So the bill having received an affirmative vote of a majority of the members-elect, the
- 13 President declared the bill passed and the title was agreed to.

14 SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

- SB 176: FOR AN ACT ENTITLED, An Act to establish a program to assist rural health
- care facilities in recruiting certain health care professionals and to repeal certain provisions
- 17 regarding recruitment incentive payments for health care professionals.
- Was read the second time.
- The question being "Shall SB 176 pass?"
- And the roll being called:
- Yeas 34, Nays 0, Excused 1, Absent 0
- 22 Yeas:
- 23 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
- Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
- Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
- 26 Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle
- 27 Excused:
- 28 Rave
- 29 So the bill having received an affirmative vote of a majority of the members-elect, the
- 30 President declared the bill passed and the title was agreed to.

SB 177: FOR AN ACT ENTITLED, An Act to establish a program to assist rural

- 2 communities to recruit certain health care professionals and to repeal certain provisions
- 3 regarding the physician, the midlevel, and the dentist tuition reimbursement programs.
- 4 Was read the second time.
- 5 The question being "Shall SB 177 pass as amended?"
- 6 And the roll being called:
- 7 Yeas 34, Nays 0, Excused 1, Absent 0
- 8 Yeas:
- 9 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
- Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
- 11 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
- 12 Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle
- 13 Excused:
- 14 Rave
- So the bill having received an affirmative vote of a majority of the members-elect, the
- 16 President declared the bill passed and the title was agreed to.
- SB 81: FOR AN ACT ENTITLED, An Act to provide for a special license plate for certain
- persons on active duty in the military.
- Was read the second time.
- The question being "Shall SB 81 pass as amended?"
- 21 And the roll being called:
- Yeas 34, Nays 0, Excused 1, Absent 0
- 23 Yeas:
- 24 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
- Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
- Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
- 27 Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle
- 28 Excused:
- 29 Rave
- 30 So the bill having received an affirmative vote of a two-thirds majority of the members-
- elect, the President declared the bill passed and the title was agreed to.

- 1 SB 113: FOR AN ACT ENTITLED, An Act to provide for special motor vehicle license 2 plates for recipients of the silver star medal and recipients of the bronze star medal. 3 Was read the second time. 4 113oa 5 Sen. Nygaard moved that SB 113 be further amended as follows: 6 On page 1, line 6, of the Senate Transportation Committee engrossed bill, after "medal" 7 insert", distinguished service cross, navy cross, air force cross, or distinguished flying cross". 8 On page 1, line 8, after "medal" insert ", distinguished service cross, navy cross, air force 9 cross, or distinguished flying cross". 10 On page 1, line 11, after "medal" insert ", distinguished service cross, navy cross, air force 11 cross, or distinguished flying cross". 12 On page 2, line 10, after "the" insert "bronze star medal with valor device or the". 13 On page 2, line 15, after "the" insert "bronze star medal with valor device or the". 14 Which motion prevailed. 15 The question being "Shall SB 113 pass as amended?" 16 And the roll being called: 17 Yeas 34, Nays 0, Excused 1, Absent 0 18 Yeas: Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); 19 20 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; 21 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; 22 Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle 23 Excused: 24 Rave
- So the bill having received an affirmative vote of a two-thirds majority of the memberselect, the President declared the bill passed.

1 2	The	question being on the title. 113ota
3	Sen.	Nygaard moved that the title to SB 113 be amended as follows:
4 5 6	after "sil	page 1, line 2, of the Senate Transportation Committee engrossed bill, delete everything wer star medal" and insert ", distinguished service cross, navy cross, air force cross, shed flying cross, bronze star medal with valor device, or the bronze star medal."
7	Whi	ch motion prevailed and the title was so amended.
8 9		169: FOR AN ACT ENTITLED, An Act to create certain watershed districts and to the Regional Watershed Advisory Task Force.
10	Was	s read the second time.
11		169td
12	Sen.	Hansen moved that SB 169 be amended as follows:
13 14		the Senate Agriculture and Natural Resources Committee engrossed bill, delete g after the enacting clause and insert:
15 16		ction 1. There is hereby established the Regional Watershed Advisory Task Force. The e shall consist of the following fourteen members:
17 18 19	(1)	The speaker of the House of Representatives shall appoint four members of the House of Representatives, no more than two of whom may be from one political party;
20 21 22 23	(2)	The speaker of the House of Representatives shall appoint three members of the general public. At least one of the members shall have a background in natural resources law, science, or management, and at least one of the members shall have an agricultural or business background;
24 25	(3)	The president pro tempore of the Senate shall appoint four members of the Senate, no more than two of whom may be from one political party; and
26 27 28 29	(4)	The president pro tempore of the Senate shall appoint three members of the general public. At least one of the members shall have a background in natural resources law, science, or management, and at least one of the members shall have an agricultural or business background.

1 2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

The initial appointments shall be made no later than July 1, 2012, and shall serve until January 12, 2013. The speaker of the House of Representatives and president pro tempore of the Senate, before the close of each regular session of the Legislature held in odd-numbered years, shall appoint members to the task force for a term of two years. If there is a vacancy on the task force, the vacancy shall be filled in the same manner as the original appointment.

Section 2.The Regional Watershed Advisory Task Force established pursuant to section 1 of this Act shall conduct studies and evaluations on matters relating to drainage, erosion, flood control, reclamation, environmental protection, and improvement of lands, soils, waters, and all other authorized purposes and may advise any new or existing special purpose district or government entity on such issues. In addition, the task force shall consider potential alternative organizational structures and entities appropriate to address such issues. The task force shall report to the Senate and House of Representatives and may submit a copy of its report to the Governor. The task force may present draft legislation and policy recommendations to the Legislative Research Council Executive Board. The task force shall make recommendations in the following areas:

- (1) The proper role, purposes, structure, powers, boundaries, and financing for regional and local watershed districts and the relationship of such districts to other types of water and natural resources-related special purpose districts;
- The role of watershed districts and other state and local government entities with respect to drainage issues, including drainage planning and management, resolution of drainage disputes, and recommendations for potential realignment of responsibilities for drainage matters; and
- 23 (3) Potential alternative organizational structures, entities, and strategies appropriate to address statewide, regional, and local issues relating to water and natural resources conservation, protection, management, and use."
- Sen. Gray requested that Joint Rule 5-17 be invoked on SB 169.
- Which request was supported and SB 169 with Sen. Hansen's pending motion to amend was deferred until Monday, February 13, the 20th legislative day.
- SB 157: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to outdoor advertising signs.
- Was read the second time.

32 157fa

- 33 Sen. Kraus moved that SB 157 be amended as follows:
- On page 2 of the printed bill, delete lines 18 to 23, inclusive.

- 1 Sen. Adelstein requested a roll call vote.
- Which request was supported.
- The question being on Sen. Kraus' motion that SB 157 be amended.
- 4 And the roll being called:
- 5 Yeas 11, Nays 23, Excused 1, Absent 0
- 6 Yeas:
- 7 Adelstein; Begalka; Bradford; Haverly; Kraus; Maher; Nelson (Tom); Rampelberg; Rhoden;
- 8 Sutton; Tieszen
- 9 Nays:
- Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Heineman; Holien; Hundstad;
- Hunhoff (Jean); Johnston; Juhnke; Krebs; Lederman; Novstrup (Al); Nygaard; Olson (Russell);
- 12 Peters; Putnam; Schlekeway; Tidemann; Vehle
- 13 Excused:
- 14 Rave
- So the motion not having received an affirmative vote of a majority of the members
- present, the President declared the motion lost.
- 17 The question being "Shall SB 157 pass?"
- 18 And the roll being called:
- 19 Yeas 25, Nays 9, Excused 1, Absent 0
- 20 Yeas:
- 21 Begalka; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Heineman; Holien;
- Hundstad; Hunhoff (Jean); Johnston; Juhnke; Krebs; Lederman; Maher; Novstrup (Al);
- Nygaard; Olson (Russell); Peters; Putnam; Schlekeway; Sutton; Tidemann
- 24 Nays:
- 25 Adelstein; Bradford; Haverly; Kraus; Nelson (Tom); Rampelberg; Rhoden; Tieszen; Vehle
- 26 Excused:
- 27 Rave
- So the bill having received an affirmative vote of a majority of the members-elect, the
- 29 President declared the bill passed and the title was agreed to.

1 2	SB 154: FOR AN ACT ENTITLED, An Act to revise certain statutes pertaining to persons required to report child abuse and neglect.
3	Was read the second time.
4	The question being "Shall SB 154 pass?"
5	And the roll being called:
6	Yeas 33, Nays 0, Excused 2, Absent 0
7 8 9 10 11	Yeas: Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle
12 13	Excused: Adelstein; Rave
14 15	So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.
16	There being no objection, the Senate reverted to Order of Business No. 7.
17	MESSAGE FROM THE HOUSE
18	MR. PRESIDENT:
19 20	I have the honor to inform your honorable body that SB 27 was lost on second reading and final passage.
21 22	Respectfully, Karen Gerdes, Chief Clerk
23	SIGNING OF BILLS
24	The President publicly read the title to
25 26	SB 140: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding glazing material on motorcycle windshields and wind deflectors.

1 HB 1077: FOR AN ACT ENTITLED, An Act to authorize municipalities to establish 2 incidental accounts.

- 3 HB 1094: FOR AN ACT ENTITLED, An Act to require the filing of certain documents 4 relating to the vacation, location, or changing of highways with the register of deeds.
- 5 And signed the same in the presence of the Senate.

COMMEMORATIONS

6 7 SC 10 Introduced by: Senators Gray, Adelstein, Begalka, Bradford, Brown, Buhl, Cutler, 8 Frerichs, Fryslie, Hansen (Tom), Haverly, Heineman, Holien, Hundstad, Hunhoff (Jean), Johnston, Juhnke, Kraus, Krebs, Lederman, Maher, Nelson (Tom), Novstrup (Al), Nygaard, 9 10 Olson (Russell), Peters, Putnam, Rampelberg, Rave, Rhoden, Schlekeway, Sutton, Tidemann, Tieszen, and Vehle and Representatives Wick, Abdallah, Blake, Bolin, Boomgarden, Brunner, 11 Carson, Conzet, Cronin, Deelstra, Dennert, Dryden, Fargen, Feickert, Feinstein, Gibson, Gosch, 12 Greenfield, Haggar, Hansen (Jon), Hawley, Hickey, Hoffman, Hubbel, Hunhoff (Bernie), Hunt, 13 Iron Cloud III, Jensen, Jones, Killer, Kirkeby, Kirschman, Kloucek, Kopp, Liss, Lucas, Lust, 14 Magstadt, Miller, Moser, Munsterman, Nelson (Stace), Novstrup (David), Olson (Betty), Perry, 15 Rausch, Romkema, Rozum, Russell, Schaefer, Schrempp, Scott, Sigdestad, Sly, Solum, Steele, 16 Street, Stricherz, Tornow, Tulson, Turbiville, Van Gerpen, Vanneman, Venner, Verchio, White, 17 18 Willadsen, Wink, and Wismer 19 A LEGISLATIVE COMMEMORATION, Congratulating and honoring the South Dakota 20 National Guard, both current members and all those who have served previously, on the one 21 hundred fiftieth anniversary of the South Dakota National Guard on January 27, 2012. 22 WHEREAS, the South Dakota National Guard traces its lineage back to the days of the 23 Dakota Cavalry, originally formed on January 27, 1862, by Territorial Governor William Jayne to protect settlements within the Dakota Territory; and 24 25 WHEREAS, the Dakota Cavalry was reorganized by the Dakota Territory into two 26 regiments of infantry and a battery of artillery to constitute the Dakota National Guard in 1885; 27 and 28 WHEREAS, the 2nd Regiment of the Dakota National Guard was assigned to the State of 29 South Dakota and re-designated 1st Regiment, South Dakota National Guard (Infantry) upon South Dakota being granted statehood on November 2, 1889; and

31 WHEREAS, units of the South Dakota National Guard have served with great distinction 32 in federal active service in support of wars and conflicts such as: the Spanish-American War,

- 33 the Philippine Insurrection, World War I, World War II, the Korean War, Operation Just Cause,
- 34 the Persian Gulf War, operations in Kosovo, Operation Provide Comfort, Operation Northern
- 35 Watch, Operation Southern Watch, Operation Noble Eagle, Operation Enduring Freedom,
- 36 Operation Iraqi Freedom, and Operation New Dawn; and

30

1 2 3	WHEREAS, the South Dakota National Guard has provided unequaled support at the request of the Governor in response to blizzards, fires, tornados, floods and civil disturbances; and
4	WHEREAS, units and members of the South Dakota National Guard have served honorably
5	both at home in South Dakota and around the world during the past one hundred fifty years:
6	NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
7	the State of South Dakota, that the Army and Air National Guard units and members of the
8	South Dakota National Guard, both past and present, be congratulated and honored on the
9	occasion of South Dakota National Guard's one hundred fiftieth anniversary.

Sen. Lederman moved that the Senate do now adjourn, which motion prevailed and at 3:51 p.m. the Senate adjourned.

Fee Jacobsen, Secretary